

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Tara Marie Newman

Debtor(s)

CHAPTER 13

PENNYMAC LOAN SERVICES, LLC

Movant

vs.

NO. 20-14525 MDC

Tara Marie Newman

Debtor(s)

Francis M. Gallagher

Co-Debtor

William C. Miller Esq.

Trustee

11 U.S.C. Section 362 and 1301

**MOTION OF PENNYMAC LOAN SERVICES, LLC
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362 and 1301**

1. Movant is PENNYMAC LOAN SERVICES, LLC.
2. Debtor and Francis M. Gallagher, co-debtor are the owner(s) of the premises 5200 Hilltop Drive DD15 , Brookhaven, PA 19015, hereinafter referred to as the mortgaged premises.
3. Movant is the holder of a mortgage, original principal amount of \$118,750.00 on the mortgaged premises that was executed on May 22, 2015. The Mortgage has been assigned as follows: MERS, Inc., as Nominee for Prosperity Home Mortgage, LLC to Pennymac Loan Services, LLC filed on October 20, 2017 at Book 06078-0935 in Delaware County
4. William C. Miller Esq., is the Trustee appointed by the Court.
5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor(s).
6. Debtor and Francis M. Gallagher, co-debtor have failed to make the monthly post-petition mortgage payments in the amount of \$785.62 for the months of December 2020 through April 2021.
7. The total amount necessary to reinstate the loan post-petition is \$3,928.10.
8. Movant is entitled to relief from stay for cause.
9. Movant further seeks relief in order to, at its option, offer, provide and enter into any potential forbearance agreement, loan modification, refinance agreement or other loan workout/loss

mitigation agreement. Movant may contact Debtor(s) via telephone or written correspondence to offer such an agreement. Any such agreement shall be non-recourse unless included in a reaffirmation agreement.

10. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

/s/ Rebecca A. Solarz, Esq.

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